

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>JOSEPH MESSINA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>2:21-CV-01170-AMM</b>
	)	
<b>TITLEMAX OF ALABAMA, INC.;</b>	)	
<b>MVCONNECT, LLC;</b>	)	
<b>ALLSTAR RECOVERY, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT OF THE PARTIES' PLANNING MEETING**

1. **Synopsis of the case:** Plaintiff alleges that he purchased a 2000 Jeep Cherokee that was unencumbered by any liens or other security interests. Plaintiff alleges that he owned the vehicle when Defendants took possession of the vehicle. As to all Defendants, Plaintiff has alleged Negligence, Wantonness, and Conversion. As to Defendants MVConnect, LLC and AllStar Recovery, LLC, Plaintiff alleges violation of the Fair Debt Collection Practices Act.

All Defendants deny Plaintiff's allegations and request that Plaintiff be required to prove each element of each claim. Further, Defendants assert that Plaintiff does not state cognizable claims as a matter of law against various Defendants. Finally, Plaintiffs assert affirmative defenses that include contributory negligence, assumption of risk, and failure to mitigate damages.

2. The following persons participated in a Federal Rule of Civil Procedure 26(f) conference on April 22, 2022 by video conference:

John C. Hubbard, representing the Plaintiff  
Martin E. Burke, David Hornbeak, representing the Defendants

2. **Initial Disclosures.** The Parties will complete, by June 3, 2022, the initial disclosures required by Rule 26(a)(1).
3. **Discovery Plan.** The parties propose this discovery plan:  
Discovery will be needed on these subjects: Facts surrounding the alleged repossession of the vehicle, alleged damages; and policies and procedures of Defendants.
  - (a) Discovery Dates:
    - Commence: June 3, 2022
    - End: November 30, 2023
  - (b) 25 interrogatories by each party to another party to be answered within 30 days.
  - (c) 25 of requests for admission to be answered within 30 days.
  - (d) Maximum of 5 depositions per party (excluding experts and parties). Each deposition is limited to a maximum of seven hours.
  - (e) Plaintiff shall identify expert witnesses and provide expert reports by September 23, 2022. Defendants shall identify expert witnesses and provide expert reports by October 21, 2022.
  - (f) The Parties shall make supplementations under Rule 26(e) by or on November 30, 2022.
4. **Other Items:**
  - (a) The parties do not seek a scheduling conference before the entry of the scheduling order.
  - (b) The final date for Plaintiff to amend pleadings or to join parties is July 1, 2022.
  - (c) The final date for Defendants to amend pleadings or to join parties is August 12, 2022.
  - (d) The final date to file dispositive motions is December 30, 2022.
  - (e) Settlement of the case may be possible, but at this time alternative dispute resolution procedures do not appear to be necessary. If any of the parties believe the use of alternative dispute resolution procedures may be beneficial in resolving this case, the parties, individually or jointly, will so advise the court.

- (f) The Parties may seek to use a private mediator to help settle this case at the appropriate time.
- (g) In accordance with the standard schedule outlined in the Court's form Scheduling Order, the Parties request a trial setting on or around April 3, 2023. The trial should take 2-3 days.
- (h) Other Matters:
  - The Parties shall file Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists at least 30 days before trial.
  - The Parties shall file objections under Rule 26(a)(3) at least 14 days before trial.

Dated: May 3, 2022

Respectfully submitted,

JOHN C. HUBBARD, L.L.C.

/s/John C. Hubbard

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Dated: May3, 2022

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